

8

BELA 4280.1
PATENT**REMARKS**

Applicants have thoroughly considered the Examiner's remarks in the Office action dated February 25, 2005. Claims 1-20 and 22-31 are presented in the application for examination. Claims 1, 15, 20, and 29 have been amended by this Amendment A. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. Applicants submit that the recited invention is clearly distinguishable over the cited art, particularly considering the claim amendments.

The Examiner rejected claims 1-8, 14-20, 22, 23, and 28-31 under 35 U.S.C. 103(a) as being unpatentable over Cain (U.S. Pat. No. 5,720,502) in view of Richardson (U.S. Pat. No. 6,314,405). Cain discloses a patient pain communication apparatus to communicate pain sources, pain locations, and pain intensity from a patient to a health care provider (*See* col. 2, lines 43-47). In particular, Cain teaches icons placed on silhouettes "in particular locations to indicate pain location" (*See* col. 3, lines 44-47, emphasis added). That is, the location of each icon is specific to the pain location of the patient.

Richardson discloses an electronic medical log for recording the condition and location of a patient's ailments (*See* Abstract). In particular, "the bodily location where the patient is experiencing discomfort is then entered into the medical log by selecting one of the second set of icons" (*See* col. 1, lines 57-59). The system "displays the entered condition, body part, and location on the display" (*See* col. 4, lines 46-47). As in the Cain system, the location of each icon in the Richardson system is specific to the pain location of the patient.

In contrast, the present invention relates icons in a fixed image to a **predetermined position that is independent of the conditions of the patient**. This is completely different from the systems taught by Cain and Richardson. Upon receiving information that identifies certain conditions of the patient, the present invention includes selecting icons corresponding to the identified conditions. The selected icons are displayed at the respective predetermined positions in the fixed image. That is, the location of a particular icon in the present invention is the same across all fixed images, even for different patients, while the selection of icons and resulting fixed images are specific to the conditions of each patient. **While the *selection* of the**

icons is specific to the conditions of the patient, the predetermined *position* of each selected icon on the fixed image is independent of the conditions of the patient.

Additionally, it is clear from the amended claims that relating each of the icons to a predetermined position occurs prior to identifying the conditions of the patient. As such, relating each of the icons to the predetermined position occurs independent of the conditions of the patient.

The systems of Cain and Richardson do not teach, imply, or suggest a universal position for each of the icons. In fact, the systems of Cain and Richardson teach away from the present invention by indicating that the location of each icon may vary depending on the pain location specific to each patient. As such, Applicants assert that independent claims 1, 15, 20, and 29 are clearly distinguishable over Cain and Richardson and are therefore allowable. Applicants submit that the rejection to independent claims 1, 15, 20, and 29 and the claims that depend from these independent claims must be withdrawn.

The Examiner rejected claims 9, 10, 13, and 25-27 under 35 U.S.C. 103(a) as being unpatentable over Cain (U.S. Pat. No. 5,720,502) and Richardson (U.S. Pat. No. 6,314,405) in view of Evans (U.S. Pat. No. 5,924,074). Each of the claims rejected in this manner is dependent on a claim that should be allowable for at least the reasons described herein. As such, Applicants submit that the rejection of claims 9, 10, 13, and 25-27 must be withdrawn.

The Examiner rejected claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Cain (U.S. Pat. No. 5,720,502) and Richardson (U.S. Pat. No. 6,314,405) in view of Dunn (U.S. Pat. No. 4,656,603). Each of the claims rejected in this manner is dependent on a claim that should be allowable for at least the reasons described herein. As such, Applicants submit that the rejection of claims 11 and 12 must be withdrawn.

The Examiner rejected claim 24 under 35 U.S.C. 103(a) as being unpatentable over Cain (U.S. Pat. No. 5,720,502) and Richardson (U.S. Pat. No. 6,314,405) in view of McCrae et al. (U.S. Pat. No. 3,826,237). Claim 24 is dependent on a claim that should be allowable for at least the reasons described herein. As such, Applicants submit that the rejection of claim 24 must be withdrawn.

10

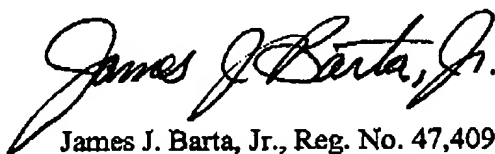
BELA 4280.1
PATENT**CONCLUSION**

Thus, it is submitted that independent claims 1, 15, 20, and 29 and claims 2-14, 16-19, 22-28, 30, and 31 depending from the independent claims are patentable and distinguishable over the cited art. Each of the dependent claims recites features in combination with features recited by an independent claim which combination of features is not taught by any of the cited art, alone or in combination.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested.

Respectfully submitted,



James J. Barta, Jr., Reg. No. 47,409
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

JJB/cjl